

HAPPENINGS IN AND ABOUT TOWN

JITNEY FIGHT TO KEEP STAND

Affidavits of Bank Officials, Depositors and Auto Drivers Are Filed.

With law books piled high on the counsel table, the circuit court room crowded with interested parties in the suit, attorneys in the temporary injunction hearing against the jitney bus drivers, to restrain the latter from driving the street in front of the American Trust Co. as a stand, resumed argument this morning. The bank is the plaintiff in the suit, and alleges that the jitney bus drivers keep their machines in front of the bank during banking hours, thus preventing their depositors from driving up to the curb and having ingress and egress to the bank proper.

The plaintiffs scored the first blow when Judge Walter A. Funk, who is hearing the case, overruled the motion of the defendants to strike out the third and fourth paragraphs of the complaint, which constitutes the amended portion of the pleadings. The defendants, in turn, demurred, which matter is to be disposed of by the court decision, the argument on the law and demurrer being heard at the same time.

File Affidavits.

After the issues had been closed, attorneys for the trust company filed affidavits of the bank officers to the effect that the business of the institution was being damaged by the jitney bus drivers. Those that signed these affidavits were: E. H. Miller, Joseph A. Couillard, J. D. Emmons, Miss Bunch, Harry C. Sierra, and Charles F. W. Miller. Affidavits of some of the bank's depositors were also filed. They were signed by Charles Fry, Adalene Melber, Ernest Beebe and W. F. Miller and others.

These affidavits set out among other things that the depositors were subjected to great annoyance by the fact that the jitney bus drivers prevented them from driving up to the bank, and stated that unless there was some remedy, they would discontinue as depositors of the institution. The officers of the bank said in their affidavits that the drivers continually smoked cigarettes, throwing the butts on the sidewalk, and greatly annoyed the entrance of the bank, inconveniencing its patrons, and when they did not have passengers for their cars, "loitered around in the machines with their feet hanging outside."

To counteract these affidavits, the defense filed affidavits of the drivers setting out the fact that the jitney bus men maintained a regular service for their customers; that they ran at times when there was no street car service; that they did not keep their machines in front of the bank for an unreasonable length of time, and that they were enjoined from using the street in front of the bank for the traveling public would be seriously inconvenienced and damaged.

They also stated that the Michigan st. corner was the natural and logical corner where passengers can be secured, and they maintain all the local cars discharge passengers there for transfer to other parts of the city.

These affidavits were signed by the following: Andrew Gunderman, John R. Wyckoff, Peter Urban, Harry Lonsaker, Henry Veith, Max Cohen, Louis Silverman, Ots Sprout, W. Orlein, Henry Dittell, W. L. Fairchild, Nelson Lightfoot, Clyde Hartman and others.

Because this is the first time that a suit of this nature has ever been threshed out in the Indiana courts, considerable interest in the suit has been prevalent among the lawyers. It is understood that it will be made a test case.

Argument over the law, it was expected, would take the entire day.

RESOLUTIONS PASSED ON C. A. KIMBALL'S DEATH

Directors of First National Bank Express Sorrow For Passing Away of President.

Resolutions on the death of Caleb A. Kimball, president of the First National bank, who was found dead at his home Saturday morning, were passed by the six remaining directors of the bank at a meeting Tuesday morning. The six directors, Arthur L. Hubbard, John C. Elsworth, A. H. Cushing, Charles L. Zigler, F. J. O'Brien and John R. Houghton, acted as pall bearers at the funeral, which was held Monday.

Following are the resolutions: "Whereas, Almighty God has called from the field of labor our esteemed and honored co-worker, Caleb A. Kimball, and

"Whereas, long and intimate business and social relations have disclosed to us that he possessed all of the high ideals to which men of his profession could aspire, and

"Whereas, his conduct in active life was also worthy of our praise and emulation and won for him the esteem and respect of all who knew him,

"Be it therefore resolved, by the officers and directors of the First National bank of South Bend here in meeting assembled on this 9th day of May, 1916, that we express our appreciation of the fidelity to his trust throughout a long and useful life, our sorrow for his death, and our sympathy to all who mourn his loss."

DEATHS

SAMUEL MARTIN.

Samuel Martin, 79 years old, died of paralysis at the residence of his daughter, Mrs. S. J. DeWells, 715 Wenger st., at 7:55 o'clock Tuesday morning. He was born in Cass county, Ind., May 28, 1837. He came to South Bend from Fulton county eight months ago. Besides Mrs. DeWells, he is survived by a son, Charles Martin of Flint and two daughters, Mrs. Bertha Morey of Lacosta, N. D., and Mrs. Raiza Vanhook of Oregon.

MRS. ELIZABETH WARNER.

Mrs. Elizabeth Warner, 88 years old, died of complications at 3 o'clock Tuesday morning at the home of her daughter, Mrs. Lydia Kreishler of Union township. Mrs. Warner, who was formerly Miss Elizabeth Hartman, was born in Stark county, O., March 13, 1828, and was married on her 23rd birthday to George Warner in Stark county, O. She has lived in this vicinity for 60 years, coming here from Ohio.

Besides Mrs. Kreishler, she is survived by a son, Frank Warner of Center township, a brother, George Hartman of South Bend, two sisters, Mrs. Rebecca Sutton of South Bend, and Mrs. Hattie Slaybaugh of Union township, eight grandchildren and six great grandchildren.

Funeral services will be held at the residence in Union township at 1 o'clock Thursday afternoon and at 2 o'clock at the Union township church. Burial will be in Leach cemetery.

ARDMORE, IND.

Mrs. E. Smith of Sumption Prairie was a week-end guest of her daughter, Mrs. George Higbee.

W. W. Travis of Chicago spent Sunday with Mr. and Mrs. Charles Pierce.

Mrs. Claude Anderson was in South Bend Saturday.

Mr. and Mrs. E. Deardorff spent Saturday in Lyd's visiting friends.

Mr. and Mrs. H. Spry and family of South Bend were Sunday guests of Mr. and Mrs. Fred Bourdon.

George Cole of South Bend was a guest of Otto Hinz Saturday.

J. Michael of Elkhart spent Sunday with A. Logan.

Miss Ada Higbee, who was ill, is recovering.

Mr. and Mrs. H. E. Hostedler and Mr. and Mrs. H. Boswell were Sunday guests of Mrs. Frank Krill.

Mr. and Mrs. L. Alward and family visited Mr. Alward's brother, near Lakeville, Sunday.

The Camp Fire Girls will hold a meeting at the home of Miss Lucille Bourdon Wednesday afternoon.

Mrs. O. Luther of New Carlisle is visiting her daughter, Mrs. E. Smith.

M. P. Runyan and family visited their son, Lloyd Runyan, of South Bend, Sunday.

The Ardmore Civic club will hold its meeting Friday evening, May 12, at the Ardmore school. The Amateur Dramatic club of the Stull M. E. church will give an all evening entertainment consisting of vaudeville acts, music and recitations.

Oliver Deardorff is visiting friends and relatives at Culver.

Mrs. A. Logan is ill at her home.

Mr. and Mrs. J. Rhoads of New Carlisle and Mrs. M. Morse of Lydick were Sunday guests of Mr. and Mrs. F. Smith.

Glen Moore visited in Walkerton last week.

Mr. and Mrs. F. Losbaugh spent Sunday in South Bend visiting the latter's father, H. B. Swope.

Miss Madelon Moore and Samuel Bourdon, both of this place, surprised their friends by quietly leaving Wednesday morning, en route for St. Joseph, Mich., where they returned to take possession of their home here, Thursday.

Miss F. Nave and Max Putz of South Bend and Miss N. Nave, also of South Bend, spent Sunday with Mr. and Mrs. L. Nave.

Mr. and Mrs. H. Cavanaugh of Five Points were Sunday guests of Mr. and Mrs. Charles Emberlin.

For Sunday and Ben Savage of South Bend were guests of E. Deffenbaugh Sunday.

Mrs. Jess Arnold and children were Tuesday guests of Mrs. E. Hack.

Mr. and Mrs. George Crum of Crumstown and Mr. and Mrs. Claude O'Donnell were Sunday guests of Mr. and Mrs. Paul.

Mr. and Mrs. E. Varier of Sumption Prairie spent Tuesday with the latter's mother, Mrs. P. Frame.

Mrs. E. Hack visited Mrs. W. Moorehouse of South Bend Thursday in Laporte last Thursday.

The Ladies' Home Economics club will hold its meeting Thursday, May 18.

Miss Hazel Cavanaugh spent the week with her aunt, Mrs. C. Hartman of South Bend.

Services at Ardmore Sunday are as follows: Sunday school, 10:30 a. m.; Supt. M. P. Runyan. Evening service, 7:45; Rev. Garrison. Prayer meeting every Tuesday night.

Mr. and Mrs. L. Bourdon spent Sunday with Mr. and Mrs. A. H. Moore.

MARRIAGE LICENSES.

Robert D. Fields, St. Joseph county; Edith Hawblitzel, teacher, St. Joseph county.

Henry A. Martin, rubber cutter, Mishawaka; Barbara Weinkauff, Mishawaka.

Breathes there a man, with soul so dead, whose heart does not respond to the magic word—Mother? Williams & Co., Florists, 138 S. Michigan st.

—Adv.

NIGHT ADDRESSES REAL ESTATE MEN

Muskegon Manufacturer Urges Board to Get Behind Housing Movement.

The housing problem, with an earnest plea for some sort of action in this city, was brought to the attention of the members of the South Bend real estate board at their noonday luncheon Tuesday at the home of Mrs. Kreishler, Mich. Mr. Haight, who spoke before the Ad-Sell league last night, spoke briefly to the real estate men, making the principal address of the session. His talk dealt largely with land farming, but he concluded his remarks with a recommendation that the real estate men take up the question of improving housing conditions here.

The Muskegon man touched on the housing problem at the meeting because of the campaign the News-Times is conducting along this line here.

Mr. Haight said that making a small farmer out of the factory worker, eliminating crowded conditions in the city and doing away with the tenements, is the solution of the housing problem. He declared Muskegon, his home city, has the same sort of housing conditions to contend with as South Bend. He held that the factory man placed on a small farm is a better citizen immediately. The Michigan man's remarks in reference to land farming were of unusual interest. He told of his experience with land in Michigan, which he had purchased years ago at one dollar an acre, and were now paying him good profits in crops.

George D. Beroth presided over today's meeting of the board, which was held in the new Nicholson Inn, on the top floor of the Farmers' Trust building. About 35 men attended the luncheon as guests of Mayor Fred Keller. The mayor was given a vote of thanks for entertaining the board. Vernon Hastings announced a meeting of the board for the evening of May 23, which will be addressed by Scott Brewer of Indianapolis. George Carl and H. G. Miller were named as the committee to arrange for this meeting.

RIVER PARK

A meeting of the Methodist Brotherhood was held Monday evening at the church, when the annual election of officers took place. Those chosen were: President, S. L. Nafziger; first vice president, John Taber; second vice president, Fred Miller; fourth vice president, William Berth; secretary, Albert Wilson; treasurer, John Nelson; chaplain, Marshal E. Ball. A public installation of the officers will be held Sunday evening, June 4. The next regular meeting will be held Monday, June 12.

A marshmallow toast and weiner roast was enjoyed Monday evening by 10 young ladies from Fremont and Elkhart, who were invited to the school house by Friday night.

Mrs. Frank Lechner, Dale st., entertained 25 friends and relatives in honor of Mr. Lechner's birthday anniversary. The evening was pleasantly spent with games and contests. Favors were won by David Lechner, Miss Blanche Cavin, Mrs. Eva Hull and Charles Schenck.

A business meeting of the River Park Boy Scouts will be held at the school house Friday night.

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INTERURBAN ATTORNEY OFFERS NEW FRANCHISE

Presents Proposed Contract For Freight Depot—Board Takes It Under Advisement.

Atty. F. J. Lewis Meyer presented the board of works with a supplementary franchise contract for the Chicago, South Shore and South Bend Railway Co., relative to the location of a freight depot on Lyd's, Mich. The board, including James H. Archer, the first husband of the woman, who died in 1910, and Michael W. Galligan, her second, who died Feb. 20, 1914.

Confined to the Hartford county jail where she is held without bonds for trial, Mrs. Archer-Galligan reiterated her protestations of innocence.

Thus far the arrest of Mrs. Archer-Galligan is based on the death of Franklin R. Andrews, an inmate of the home, whose death on May 30, 1914, was at the time ascribed by Dr. H. F. King, the medical examiner, to gastritis ulcers. The exhumation of the body of Andrews a few nights ago revealed the presence, it is said, of large quantities of arsenic.

While the authorities refused to divulge the facts, it is learned that another body besides that of Mr. Andrews was exhumed and found to contain quantities of the deadly poison. As indicating the methods of Mrs. Galligan, which resulted in the investigation of the case by the authorities, the exhumation of the body of Andrews was brought about by the discovery of his sister, Mrs. Nellie E. Pierce, of a letter among his effects from Mrs. Galligan asking the loan of \$500. Mrs. Pierce started an investigation which resulted in the subsequent return of the \$500 by Mrs. Galligan, who nevertheless protested that the money was given to her for the benefit of the home.

Bids for the installation of a pipe sewer and the paving of Indiana av., between Kemble av. and Prairie av., were opened and read by the board. Four bids were received and turned over to the engineer, who will report back to the board tonight. The estimated cost of the pipe sewer is \$5000 and the paving \$2,500.

Deferred hearing on gradings, graveling and walk on Elmer st. Deferred hearing on sidewalk on Broadway.

Hearing on roll for the vacation of William st.

Hearing on roll for water connections on Leper st.

GEN. CARRANZA WOULD PREVENT ENTRY OF MORE TROOPS INTO MEXICO

(CONTINUED FROM PAGE ONE.)

United States Friday night are racing southward today with eight American prisoners. An American posse that attempted to overtake the Mexicans has failed thus far and it is feared that the bandits will kill all their captives or leave them to starve after inflicting terrible tortures on them.

Most of the prisoners were taken when the bandits surrounded the American-owned zinc mines below Boquilla on Saturday morning. Only a tramway employee known as "Nick" escaped when the mine was attacked. He wandered 40 miles on foot after escaping from the Mexicans and finally reached Marathon, having been found almost exhausted by Lloyd Wade, a border ranchman.

The Mexicans' captives are Jose Deemer, Monroe Payne, Supt. Butler, Assayer Hasbrouck, Dr. Powers, Frank Rowan and two truck drivers. According to "Nick" the Mexicans boasted that they belonged to Villa's army, and declared they would take their prisoners before the bandit chieftain at Laguna. It is supposed that they referred to the town on the Mexican Central railway north of Chihuahua. This is far from the district where Villa was last reported.

During the night the French delivered counter attacks north of Thiamont farm, which ejected the Germans from trenches they had recently captured.

Thiamont farm is southwest of Port D'outon on the front north of Verdun. To the east of the Meuse an artillery duel of extreme intensity took place all night on the Douaumont-Vaux line.

The text of the official communiqué follows:

"Between the Oise and the Aisne we repulsed a surprise attack directed against one of our works southeast of Autrech. "In the Argonne in the region of Bolante, we captured two small posts, the defenders of which were killed, and we occupied in advance of the posts several castles. "On the left bank of the Meuse the enemy violently bombarded during the entire night our trenches on Hill No. 304. A German attack launched about 3 o'clock this morning was completely repulsed."

Officials are extremely pessimistic over the outlook. A speedy ending of the parleys on the border is looked for and a break with Carranza in the near future is admittedly more than a possibility. The state department positively refused to confirm reports that its representatives now are endeavoring to hurry all Americans out of Mexico.

U. S. CONSIDERS SUBSEA ISSUE IS NOW CLOSED

(CONTINUED FROM PAGE ONE.)

Just arrived at by informal conference. The ambassador, it is understood, does not look for any reply from the latest Lansing note. Should Germany, however, do the unexpected and declare that the demand for relief from the British blockade is coupled with the new orders under which submarine commanders are operating, there will be nothing left for the United States to do but to recall Ambassador Gerard.

POPE INSTRUMENTAL

International News Service: ROME, May 9.—The International News Service was informed today that the efforts of Pope Benedict XV were largely instrumental in inducing President Wilson to accept Germany's new pledge on submarine warfare.

The pope acted in person, expressing his desires through the papal delegate at Washington.

This information came from a reliable source at the vatican where it was stated that any further discussion of the pope's part in preventing a rupture between Germany and the United States was inadvisable at present.

MOTHERS' DAY.

The sentiment attached to Mothers' Day is nation wide. Bright flowers will everywhere carry a message of love to her. Williams & Co., Florists 138 S. Michigan st.—Adv.

TRY TO FASTEN 20 DEATHS ON WOMAN

International News Service: HARTFORD, Conn., May 9.—Convinced that at least 20 murders will be uncovered by the arrest of Mrs. Amy S. Archer-Galligan, who for several years has conducted a home for aged persons at Windsor, near here, the state police under the direction of State's Atty. Hugh M. Alcorn, continued today their investigation of the gruesome affairs of the Archer Home, where 48 inmates have died since Jan. 1, 1911, and is prior to that time, including James H. Archer, the first husband of the woman, who died in 1910, and Michael W. Galligan, her second, who died Feb. 20, 1914.

Confined to the Hartford county jail where she is held without bonds for trial, Mrs. Archer-Galligan reiterated her protestations of innocence.

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The text of the official communiqué follows:

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Officials are extremely pessimistic over the outlook. A speedy ending of the parleys on the border is looked for and a break with Carranza in the near future is admittedly more than a possibility. The state department positively refused to confirm reports that its representatives now are endeavoring to hurry all Americans out of Mexico.

CHECK RENEWED GERMAN ATTACK

International News Service: PARIS, May 9.—German troops are still smashing away at the French positions at Hill No. 304, northwest of Verdun.

The official communiqué issued by the French war office today states that, after a further bombardment of great violence, German forces were again flung against the French trenches this morning, but the attack was completely repulsed.

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R. C. STEPHENSON IS NAMED BANK PRESIDENT

Rome C. Stephenson has been elected president of the St. Joseph Loan & Trust Co., the position formerly held by J. M. Studebaker, Sr., who declined reelection because of advancing years. The treasurer, formerly held by Mr. Studebaker, was given to George U. Bingham, who now assumes both the duties of secretary and treasurer.

Willis A. Bugbee was named a vice president. The other officers re-elected were: Jacob Woolverton, vice president; Harriet E. Elbel and Elmer Roders, assistant secretaries; and Charles A. Burns, assistant treasurer.

The directors named for the ensuing fiscal year are: J. M. Studebaker, Jacob Woolverton, Willis A. Bugbee, George U. Bingham, Frederick G. Fish, William L. Kizer, David E. Snyder, Lafayette LeVan, Rome C. Stephenson.

EAST BUFFALO LIVE STOCK.

EAST BUFFALO, N. Y., May 9.—(CAT.)—Receipts 1,2 heads; market active and steady; prime steers 9.25@9.50; butchers grades 8.00.

CATTLE—Receipts 250 head; market active; cull to choice 8.50@11.25.